

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO.: 3:05-CV-30096-KPN

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS.
2005 JUN 02 A 10: 21

DENNIS COLEMON,
Plaintiff,

v.

KAWASAKI MOTORS CORP., U.S.A.
Defendant.

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS.
2005 JUN -1 A 10: 02

**JOINT STATEMENT OF THE PARTIES
PURSUANT TO LOCAL RULE 16.1(D)**

Pursuant to United States District Court Local Rule 16.1(D), the parties propose the following schedule for the above matter:

I. STATEMENT OF FACTS

This action is brought by the Plaintiff Dennis Colemon (hereinafter "Plaintiff") for damages incurred as a result of injuries he allegedly sustained on or about April 12, 2002, while operating a motorcycle which was allegedly designed or manufactured by Defendant Kawasaki Motors Corp., U.S.A. (hereinafter "KMC"). Plaintiff's Complaint seeks recovery under theories of breach of express and implied warranty, negligence, and strict liability. Plaintiff has demanded a jury trial. KMC denies the plaintiff's allegations, has asserted several affirmative defenses, and also demands a jury trial.

II. JOINT DISCOVERY PLAN AND FILING OF MOTIONS

1. Discovery shall be completed by July 7, 2006.
2. All motions pursuant to Fed. R. Civ. P. 12, 15, 19, and 20 shall be filed no later than October 1, 2005.
3. Discovery shall commence on June 8, 2005. All requests for production of documents pursuant to Fed. R. Civ. P. 34, and all interrogatories propounded pursuant to Fed. R. Civ. P. 33 shall be served no later than November 2, 2005. All answers/responses to the written discovery indicated above shall be served in compliance with the time standards of the Federal Rules of Civil Procedure.
4. All factual depositions (non-expert witnesses) shall be concluded no later than February 1, 2006.
5. Plaintiff's counsel agrees to provide all of the medical records of plaintiff, which are presently due under Local Rule 35.1 no later than June 30, 2005.
6. The number of non-expert depositions that each side may take is limited to 10, exclusive of any Keeper of Records depositions.
7. Plaintiff shall identify their experts pursuant to Fed. R. Civ. P. 26(a)(2) on or before March 1, 2006.
8. The defendant shall identify its experts pursuant to Fed. R. Civ. P. 26(a)(2) on or before , April 3, 2006.
9. The experts may be deposed. The parties shall pay reasonable expert fees as provided under Rule 26(b)(4)(C). The depositions of the experts shall be taken in the area the expert has his

place of business, unless otherwise agreed upon by the parties. Plaintiff's experts shall be deposed by May 1, 2006. Defendant's experts shall be deposed by July 7, 2006.

10. All discovery motions under Rule 37 shall be filed on or before June 1, 2006.
11. All dispositive motions, including motions for summary judgment pursuant to Fed. R. Civ. P. 56 shall be filed on or before August 1, 2006.
12. A final pretrial conference shall be scheduled by the Court on or some time following September 1, 2006.
13. The parties expect to be ready for trial by November, 2006.

II. TRIAL BEFORE A MAGISTRATE

The Plaintiff and the Defendant KMC USA consent to having this case tried before a magistrate.

III. CERTIFICATIONS

The parties' counsel have conferred with their clients as to establishing a budget or cost for the litigation and with respect to ADR programs. Plaintiff's Certificate is attached hereto as Exhibit

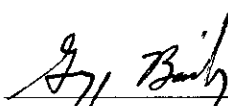
A. Defendant's Certificate will be submitted under separate cover.

Plaintiff,
Dennis Coleman
By his attorney,

Defendant,
Kawasaki Motors Corp., USA,
By its attorneys,



Carolyn L. McCaffrey, Esq., BBO # 646810
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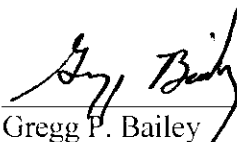


Peter M. Durney, BBO # 139260
Gregg P. Bailey, BBO # 648259
CORNELL & GOLLUB
75 Federal Street
Boston, MA 02110
TEL: (617) 482-8100
FAX: (617) 482-3917

CERTIFICATE OF SERVICE

I, Gregg P. Bailey, attorney for the defendant, Kawasaki Motor Corp. USA, hereby certify that on the 31st day of May, 2005, a true copy of the foregoing Joint Statement of the Parties was served by mail, postage prepaid, directed to:

Carolyn L. McCaffrey, Esq.
Frank P. Fitzgerald, P.C.
1391 Main Street, Suite 600
Springfield, MA 01103



Gregg P. Bailey

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DENNIS COLEMON,
Plaintiff,

v.

KAWASAKI MOTORS CORP., U.S.A.,
Defendant

CIVIL ACTION NO. 05-30096-KPN

PLAINTIFF'S CERTIFICATE PURSUANT TO LOCAL RULE 16.1(D)(3)


We, Dennis Colemon, Plaintiff, and Carolyn L. McCaffrey, Esq., counsel for Plaintiff, certify that we have conferred regarding the following issues:


(a) establishing a budget for the costs of conducting the full course and various alternative courses of litigation; and

(b) considering the resolution of this litigation through the use of various alternative dispute resolution programs.

Plaintiff,

Dated: May 27, 2005


Dennis Colemon


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